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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Addendum

BELARUS*

[20 April 1995]

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* The second periodic reports of the Government of Belarus concerning rights covered by articles 6 to 9 (E/1984/7/Add.8), 10 to 12 (E/1986/4/Add.19) and (E/1990/7/Add.5) were considered respectively by the Sessional Working Group of Governmental Experts at its 1984 session (E/1984/WG.1/SR.13 to 15) and by the Committee on Economic, Social and Cultural Rights at its sessions of 1988 (E/C.12/1988/SR.10 to 12) and 1992 (E/C.12/1992/SR.2, 3 and 12).

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Introduction

1. During the period which has elapsed since the submission in 1991 of the previous report on implementation by the Republic of Belarus of the International Covenant on Economic, Social and Cultural Rights, the situation regarding implementation of the Covenant has become complicated. The transition from a centrally planned economy and a totalitarian system to a market economy and a democratic order is being accompanied by an economic crisis and deterioration in the economic and social situation of the people. That circumstance is adversely affecting observance of the International Covenant on Economic, Social and Cultural Rights in the Republic of Belarus.

2. Social, cultural and economic rights are guaranteed in the Republic of Belarus by the Constitution of the Republic of Belarus (hereinafter referred to as "the Constitution"), which came into force on 15 March 1994, replacing the 1977 Constitution.

3. The situation regarding implementation of specific articles of the Covenant in the Republic of Belarus is as follows:

Article 6

The right to work

4. The Act of the Republic of Belarus "On the employment of the population of the Republic of Belarus", adopted by the Supreme Council of the Republic of Belarus on 30 May 1991, as amended and supplemented by the Supreme Council of the Republic of Belarus on 24 November 1992, is the main piece of legislation ensuring and guaranteeing the right to work in the Republic of Belarus. Detailed information on that Act and compliance with it is to be found in the reports of the Republic of Belarus to the International Labour Office in November 1992 on application of the ILO Conventions No. 122 "Convention concerning Employment Policy" and No. 111 "Convention concerning Discrimination in Respect of Employment and Occupation". The text of the above-mentioned Act was appended to those reports.

5. On 20 April 1993 the Council of Ministers of the Republic of Belarus approved a programme on the employment of the population in 1993 drafted in the light of the country's economic situation and the appreciable changes taking place in the sphere of employment. The programme provides for assistance in finding employment and material support for the unemployed through the direction of individuals to unfilled jobs and vacant posts, the payment of unemployment benefit, and encouragement for the development of self-employment, entrepreneurial activity and small businesses with the aim of creating additional jobs.

6. In order to ensure that employment is found for those unable to compete in the labour market on equal terms (disabled persons, young people, etc.), the programme outlines the creation in enterprises and organizations of jobs partly funded by the State Employment Fund, further work on the establishment of specialized small enterprises for disabled and socially vulnerable persons,

and small joint, cooperative and other enterprises in which unemployed persons to whom the State gives additional guarantees of employment can be placed in work.

7. Measures taken under the employment programme are financed mainly from the State Fund for Promotion of Employment, and in part from the budgetary resources of local authorities and other sources.

8. Between January and October 1993 the employment offices of the Republic of Belarus were approached by 185,000 job seekers, 91,400 of whom were placed with enterprises and organizations. At the end of 1993 there were acknowledged to be 66,300 unemployed persons, which was 2.8 times more than at the end of 1992. Two thirds of the unemployed were women. Whereas in December 1992 there were 13 unemployed persons for every 10 job vacancies, in December 1993 there were 53. At the end of 1993 unemployment stood at 1.4 per cent, but this figure does not reflect the actual situation. There is the problem of "concealed" unemployment. Considerable numbers of people are working short time or are on indefinite unpaid leave.

Article 7

The right to just and favourable conditions of work

9. All workers of the Republic of Belarus are guaranteed remuneration for their work. In accordance with the Act of the Republic of Belarus "On the minimum wage and State guarantees in the area of payment for work", which was adopted by the Supreme Council of the Republic of Belarus on 21 December 1991, a minimum wage is established as a norm defining the minimum permissible level of the payment of a worker in money or in kind by an employer for the work performed for him. The minimum wage is the basis for setting wage rates, pensions, grants and other social security payments. Its amount is determined on the basis of the minimum consumer budget and having regard to the actual conditions of the reproduction of labour power in accordance with its cost. As inflation increases the amount of the minimum wage is raised. In January 1992 it was 350 roubles a month, but from November 1993 it was 22,000 roubles. From July 1994, it was 100,000 roubles, which became 10,000 roubles after the change in the value of the currency unit in August 1994.

10. The State guarantees in the area of payment for work include the minimum wage, official wage rates and some kinds of premiums and post adjustments of a compensatory nature. They are applicable to all hired employees irrespective of the type of ownership of the employing concern.

11. The official rates in the area of payment for work are monthly wage rates and post adjustments that determine the levels of remuneration for specific groups of workers by occupation and qualification in institutions and organizations funded by the State. Other employers are obliged, where there is provision to that effect in collective agreements, to apply the official differentiated wage rates by occupation, qualification, difficulty of work and working conditions.

12. Wages and salaries fixed by collective agreements, work agreements and contracts having regard to the requirements of the labour legislation, are dependent on the individual input of the workers and have no upper limit. The resources for payment for work are guaranteed by the income and property of the employer. An employer who is unable to pay for work at the level of the State guarantees may be declared bankrupt, in which case his liabilities to his workers will be met from his assets.

13. The average monthly remuneration of workers, employees and collective farmers in 1993 was 56,000 roubles. Taken overall, the monetary income of the population increased by a factor of 13.3 times in the course of the year, but retail prices rose by 16.8 times.

14. Fair wages and equal remuneration for work of equal value without distinction of any kind by sex or other features are guaranteed in the Republic of Belarus. Detailed information on this matter is to be found in the report submitted by the Government of Belarus to the International Labour Office in 1993 on the application of ILO Convention No. 100 "Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value".

15. Measures are being taken to ensure working conditions that satisfy the requirements of safety and hygiene. Information concerning them has been given in the reports of the Republic of Belarus submitted to the International Labour Office in November 1992 on the application of the "Convention concerning the Guarding of Machinery" (No. 119) and the "Convention concerning Hygiene in Commerce and Offices" (No. 120).

16. In accordance with the Labour Code of the Republic of Belarus (art. 15), the wording of the Act of 15 December 1992 (the text of which was sent to the International Labour Office in February 1993) obliges an employer to provide employees with healthy and safe working conditions, and to install the most recent equipment and processes ensuring compliance with the health and hygiene regulations and the requirements of occupational safety standards.

17. Occupational safety rules and regulations must be complied with in the design, construction and operation of industrial premises and structures. Designs of machinery, machine tools and other production equipment must meet the industrial health and safety requirements. Permits are needed from the Sanitary Inspectorate and the Technical Inspectorate before new and modernized production facilities may be commissioned. No prototype machine, mechanism or other piece of production equipment that does not meet the occupational safety requirements may be put into series production.

18. The enterprise guarantees safe working conditions for all workers and is legally responsible for detrimental effects on their health and fitness for work. For work under dangerous conditions, or on tasks carried out under extreme temperature conditions or where pollution is involved, workers are issued free of charge with special clothing, special footwear and other means of personal protection as specified by the regulations.

19. The employer is obliged to investigate and report on accidents in the workplace promptly and in due form. He is further obliged to instruct workers and employees on safety measures, occupational hygiene, fire precautions and other occupational safety regulations.

20. A State commission for assessment of working conditions was created by a decision of the Council of Ministers of the Republic of Belarus dated 21 January 1991. Its duties include verification of the provision of allowances and compensation to the workers of enterprises for work under exceptional conditions, the rendering of assistance to enterprises on procedures for safety in the workplace, the drafting and implementation of comprehensive plans for the improvement of working conditions and sanitary and health-protection measures, and participation in work on the introduction of occupational safety standards and scientific planning of occupational safety. The State commission is empowered to ban the operation of machinery and equipment and the carrying out of operations if there is a threat to the life and health of workers or if accidents may result, and to verify conditions and occupational safety provisions in enterprises. The commission analyses the situation regarding industrial injuries and occupational diseases and their causes, formulates measures for the prevention of accidents and occupational diseases, and organizes their application.

21. It should be remarked that the situation regarding industrial safety and labour hygiene in Belarusian enterprises cannot be regarded as satisfactory. The fact that a large part of the machinery and equipment is obsolescent and worn out is making working conditions worse. In this connection, 20,400 people suffered injury in the workplace in 1992 (9,300 in agriculture, 6,700 in industry and 1,700 in construction), of whom 400 died. Some 526,700 working days were lost through injuries in the workplace.

22. Matters relating to rest, leisure, limitation of working hours and holidays with pay are governed by the Labour Code of the Republic of Belarus, to which reference has already been made. Information on the limitation of working hours may be found in the report submitted by Belarus to the International Labour Office in November 1992 on the application of the ILO "Convention concerning the Reduction of Hours of Work to Forty a Week" (No. 47). In accordance with the Labour Code (Code of Acts of the Republic of Belarus on Labour) workers have a break of not more than two hours during the working day for relaxation and to eat. The break is not included in working time. The workers have two rest days a week under the five-day week and one under the six-day week. Sunday is the common rest day. The length of the weekly continuous rest break should be not less than 42 hours.

23. All workers are entitled to an annual holiday without loss of their job or their average earnings. The annual holiday for workers is not less than 15 working days. This right applies to all workers, irrespective of the enterprise in which they work, including workers on short time. Because Sundays and rest days occurring during the holiday period are added to the working days, the duration of the holiday is extended by that number of days.

24. A holiday of more than 15 working days is stipulated for a number of categories of worker, depending on the age and health status of the workers and on exceptional working conditions (stress, complexity, climatic

conditions, etc.). Workers below the age of 18 years and disabled workers have an annual holiday entitlement of at least one calendar month. Public employees have 30 calendar days of holiday. A holiday period of 24 working days is stipulated for some categories of workers in public cultural and educational establishments and workers employed in the timber industry and forestry; 36 working days for some categories of workers in pre-school education; 48 days for teachers in schools and institutions of higher education, and from 30 to 44 calendar days for victims of the Chernobyl disaster.

25. Provision is made, in addition to the main holiday periods, for additional holidays. Such holidays are granted to workers employed under dangerous working conditions, those who work abnormal hours, and some other cases covered by the legislation of the Republic of Belarus. Depending on the working conditions, the additional holiday entitlement is between 6 and 36 working days.

26. Holidays have to be taken at the time stipulated. The holiday date may be altered or the period extended in case of temporary disability, or if the worker is carrying out public or social obligations, and in other cases as provided by the legislation. A period of temporary disability (including pregnancy-related disability and maternity leave) is not included in the calculation of annual leave. The substitution of monetary compensation for the whole or a part of the annual holiday is not permitted without the worker's agreement. Monetary compensation may be substituted for the whole of the annual holiday, save for six days, with the written agreement of the worker.

27. The Republic of Belarus has submitted information to the International Labour Office on the matters dealt with in this article in its reports on the application of the "Convention concerning the Rights of Association and Combination of Agricultural Workers" (No. 11), the "Convention concerning Freedom of Association and the Right to Organise" (No. 87), (both submitted to ILO in November 1992), and the "Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively" (No. 98), (submitted to ILO in November 1993). The text of the Act "On trade unions", adopted by the Supreme Council of the Republic of Belarus on 22 April 1992 was appended to the last-mentioned report, along with relevant articles of the Labour Code, of the agreement between the Council of Ministers of the Republic of Belarus and the Council of the Belarusian Trade Union Federation for 1991, the agreement between the Council of Ministers of the Republic of Belarus, the employers associations of the Republic of Belarus and the Council of the Belarusian Trade Union Federation for 1992, the general agreement between the Council of Ministers of the Republic of Belarus, the Belarusian Trade Union Federation and the employers' associations for 1993 and the Act of the Republic of Belarus "On collective agreements and work agreements".

Article 8

Trade union rights

28. The Supreme Council of the Republic of Belarus adopted the Act "On trade unions" on 22 April 1992. In accordance with that Act a trade union is a voluntary public organization of persons, including persons pursuing a course of study in higher, specialized secondary and occupational training

establishments, united by common interests relating to their kind of activity in both the productive and the non-productive spheres for protection of the working, social and economic rights and interests of the members stemming from the universally acknowledged norms and principles of international law and laid down by the Universal Declaration of Human Rights, the conventions of the International Labour Organization and other international instruments duly ratified by the Republic of Belarus.

29. Voluntary trade unions may set up Republic-wide and other territorial associations and may also join such associations.

30. All trade unions enjoy equal rights. Trade unions are independent in their activity and subject only to the law.

31. The fact of belonging to or of not belonging to a trade union does not give rise to any restrictions on the working, social and economic, political and personal rights and freedoms of the individual. Membership of a particular trade union, or joining or leaving a union, may not be made grounds for the hiring, promotion or sacking of a worker.

32. Trade unions participate in the formulation of the social and economic policy of the State and in the drafting of labour legislation and legislation on social, economic and other matters. Trade unions are entitled to submit proposals within the legally stipulated period on the adoption, amendment or scrapping of enforceable enactments on labour and on social and economic matters to the executive and administrative authorities and to economic agencies for their consideration. When the authorities and economic agencies adopt enforceable enactments concerning the working, social and economic rights of the individual they give the trade unions concerned prior notice of at least one week.

33. The rights of trade unions as provided in the Act include defence of individual working rights, social security, negotiation and the conclusion of collective agreements, and the right to be informed of the conclusion of agreements with the authorities and managerial bodies on matters concerning the social and economic protection of individuals. Provision is also made for the right of trade unions to call strikes.

34. On 15 December 1992 the Supreme Council of the Republic of Belarus adopted an Act "On amendments and additions to the Labour Code of the Republic of Belarus".

35. On 18 January 1994 the Supreme Council of the Republic of Belarus adopted an Act of the Republic of Belarus "On procedure for the settling of labour disputes". The Act clearly stipulates the procedure for the settling of collective labour disputes extending from the presentation of demands to the employer to the holding of a strike, where necessary.

36. The Act stipulates that the demands of trade union members or of workers not belonging to a trade union that have been approved at a general meeting (conference) and petitions and declarations sent to the employer must be considered by the employer within five days. Should the employer not comply with the demands made, the trade union has to send the employer within a

period of no longer than two weeks a written proposal for the establishment of a conciliation commission, naming at least five of its members to serve on it. The employer has to appoint his representatives, the number of whom shall be the same as that proposed by the trade union, within a period of no more than three days.

37. The conciliation commission has to examine the disputes within a period of no more than five days following the election (appointment) of a neutral member, unless otherwise established by the parties. The proposal of the commission for the settling of the dispute has to be adopted by majority vote and communicated to the parties in a written form within five days. Should there be disagreement over the proposals of the conciliation commission, the parties may, by mutual agreement, approach a mediator, who shall, following consultation with the parties, make a proposal for examination of the dispute within a period of no more than five days. Should one of the parties disagree with the proposals of the conciliation commission (mediator) the parties may, by mutual agreement, appeal the matter within a period of no more than five days to a labour court of arbitration. The decision of the labour court of arbitration, which will as a rule be of the nature of a recommendation, shall be communicated to the parties in written form within a period of no more than five days from receipt of the appeal. The parties may agree to accept the arbitration decision as binding.

38. The question of holding a strike may be raised after the whole of this conciliation procedure has been exhausted. The strike may be held no later than three months after rejection of the proposal of the conciliation commission or, if the parties have turned to a mediator or to arbitration, after rejection of the mediator's proposals or disagreement with the decision of the court of arbitration, except when it is binding on the parties.

39. The decision on holding a strike is taken by secret ballot at a general meeting or conference. The decision is regarded as carried if at least two thirds of the trade union members present or workers who are not trade unionists (being conference delegates) vote for it. The trade union is obliged to give the employer written notice of the decision to hold a strike, its date of commencement and possible duration no later than two weeks before the start of the strike.

40. A strike or the decision to hold one may be declared illegal by a court when the strike is being (has been) held or when the decision to hold it has been taken in breach of the requirements of the conciliation procedure or where strikes are prohibited (in the armed forces, detachments of the Ministry of the Interior, civil defence, State security, the procurator's office, the public authorities and administration, in enterprises and organizations of the fuel and power industries, centralized heat supply and gas supply, emergency and ambulance services, and also in enterprises in which an interruption of work would threaten life and health).

Article 9

Right to social security

41. As already stated in previous reports, the right to social security is ensured in the Republic of Belarus by an extensive State social security system, including social insurance, which includes free medical care, sickness and disability benefit, maternity grants and benefit, disability pensions, old-age pensions, pensions in the event of loss of the breadwinner, industrial injury benefit, unemployment benefit, and family allowances.

42. During the period under consideration a number of pieces of legislation were adopted in the social security sphere. First and foremost there was the Act "On pension provision" adopted by the Supreme Council of the Republic of Belarus on 17 April 1992, and which came into force on 1 January 1993. The Act deals with State pension provision for old age, disability, loss of the breadwinner and in other circumstances.

43. Men become entitled to a pension on grounds of age on reaching 60 years of age and after having worked for at least 25 years, while women become entitled on reaching 55 years of age and after having worked for at least 20 years. For work under extreme conditions (underground work, work under particularly harmful and heavy conditions) pensionable age is reduced to 50-55 years for men and 45-50 years for women. Appreciable benefits are also paid to war invalids, mothers of service personnel who are killed, mothers of large families, and the parents of disabled children and abnormally undersized and dwarf children.

44. An old-age pension is set at 55 per cent of the average monthly wage, but not less than the minimum pension. The pension is increased by one per cent of the wage for each year worked in excess of 25 years by men and 20 years by women, and for each year worked under extreme conditions in excess of 10 years for men and 7.5 years for women. The increase is payable up to a limit of 20 per cent of the wage. The minimum pension is set at 100 per cent of the minimum wage.

45. An increment (100 per cent of the minimum pension) is payable on an old-age pension for care of an invalid in disability group 1 and to all pensioners on reaching 80 years of age, as well as to other single pensioners in constant need of care (50 per cent of the minimum pension).

46. Disability pensions are provided for industrial injury, occupational disease or general disease. Disability pensions for industrial injury or occupational disease are awarded irrespective of the length of employment, but pensions awarded for general disease are granted on the basis of a period of employment (from 1 year at 23 years of age to 15 years at 60 or more years of age). The pension is 75 per cent of the average monthly wage for invalids in disability group 1, 65 per cent for those in group 2 and 40 per cent for those in group 3.

47. In the event of loss of the breadwinner there is entitlement to a pension for those members of the deceased breadwinner's family who are unable to work and were maintained by the breadwinner. This right also extends to children

who are students in the day-school departments of institutions providing secondary and higher education until completion of their studies, but not after reaching 23 years of age. A pension on grounds of loss of the breadwinner is awarded for each member of the family unable to work at a rate of 30 per cent of the average wage of the breadwinner, but not less than 100 per cent of the minimum old-age pension. The pension for orphaned children who have lost both parents, or for the children of a deceased single mother may not be less than twice the minimum old-age pension.

48. A pension at the end of the term of service is established for some categories of citizens employed on work, the carrying out of which leads to loss of the ability to work in the occupation or unsuitability for work in it before they reach the age at which they would be entitled to an old-age pension. This applies to some categories of aviation workers and test-pilot teams, some categories of medical and educational workers, and performing in the arts. These workers are awarded a pension that is not dependent on age but is related to a particular duration of employment. The amount of the pension is the same as is stipulated for old-age pensions.

49. Work during the period for which the worker was subject to State social insurance or paid insurance contributions to the social security fund is taken into consideration in the duration of qualifying employment. Also taken into consideration in the duration of qualifying employment are a period of military service, formal education as a day student in institutions providing specialized secondary and higher education, the time for which a mother is away from work to look after young children (up to 3 years old), time spent in occupied territory of the USSR during the Great Patriotic War, and time spent by prisoners, including children, in fascist concentration camps, etc.

50. The pension is calculated from the average monthly wage for any consecutive period of 5 years (selected by the applicant for the pension) during the last 15 years of work. The minimum pension is increased in line with increases in the minimum wage. The amount of the average pension is similarly increased in line with increases in the average wage.

51. In addition to the above-mentioned pensions arising from work, the Act also introduced social pensions. Persons not in receipt of a pension from work are entitled to such a pension. They are disabled persons, men at 60 years of age and women at 55; children, following loss of the breadwinner, and disabled children up to 16 years of age. For invalids in disability group 1, children disabled from their early years in disability groups 1 and 2, and disabled children up to 16 years of age the social pension is set at 100 per cent of the minimum old-age pension, for other categories it is set at 50 per cent, and for those in disability group 3 at 30 per cent.

52. On 30 October 1992 the Supreme Council of the Republic of Belarus adopted an Act "On State family allowances and benefits". In accordance with this Act allowances are awarded and paid to women in connection with pregnancy and delivery, in connection with the birth of a child, to mothers registered before the twelfth week of pregnancy, for looking after a child up to 3 years old, for children at ages of from 3 to 6, 6 to 13 and 13 to 16 years (while still attending secondary day schools, and also pupils and students study at their own expense in institutions providing higher and specialized

secondary education and not in receipt of grants - up to 18 years of age), for looking after a disabled child up to 16 years of age, for disabled children receiving sanatorium and spa treatment, and for children up to 16 years of age who are HIV positive or suffering from AIDS. In addition increments are established to State benefits for children of single parents being brought up by men and women when one of the parents evades paying maintenance; for children of orphaned single mothers and abandoned children - formerly reared in children's homes; for disabled children brought up in the family up to 16 years of age and for the children of servicemen on a fixed-term engagement.

53. The amount of the allowances and benefits is subject to indexation in accordance with changes in the minimum wage. In particular, the lump-sum benefit for the birth of a child is set at three times the established minimum wage. The allowance for looking after a child up to the age of 3 years is set at 120 per cent of the established minimum wage, and after the age of 3 at 50 per cent (for children between 3 and 6 years old), 60 per cent (from 6 to 13 years) and 70 per cent (from 13 to 16) of the minimum wage. The allowance paid for looking after a sick child and for a child up to 3 years old in the event of the illness of the mother is 100 per cent of the average wage, while that for a disabled child up to the age of 16 years is equal to the minimum wage.

54. During the period under consideration the Republic of Belarus has paid special attention to the social protection of such vulnerable population groups as disabled persons and young people, and also the victims of the Chernobyl disaster.

55. On 11 November 1991 the Supreme Council of the Republic of Belarus adopted an Act "On the social protection of disabled persons". The Act provides guarantees of the rights of disabled persons in the spheres of work, access to the social infrastructure and social assistance. In particular, refusal to conclude a contract of employment or to grant promotion is prohibited, as is discharge of a disabled person at the instigation of the administration or transfer of a disabled person to other work without his agreement on grounds of disability. With the aim of ensuring employment of disabled persons, government authorities and agencies, with the participation of public organizations, set quotas of at least 5 per cent of the number of worker posts reserved (when there are at least 20 people employed) for disabled persons in enterprises, institutions and organizations. Enterprises, institutions and organizations that employ a minimum of 30 per cent of disabled persons out of the total number of workers are entitled to tax privileges, and to financial and material support. When at least half of all workers are disabled persons, enterprises, institutions and organizations are exempted from profits tax. Disabled persons have a holiday entitlement of at least one calendar month, while those in disability groups 1 and 2 have a shortened working week of no more than 36 hours. Councils of Deputies should establish the conditions needed for the organization of outwork and entrepreneurial activity by disabled persons through the provision of rooms other than living rooms for such activity and also by arranging for the supply of materials and the disposal of goods produced.

56. The design and construction of residential districts, and the planning, construction and conversion of public buildings and premises, including railway stations, river ports and airports, and the production of transport vehicles is not allowed to proceed unless they are equipped to make them accessible to and usable by disabled persons. Dwellings occupied by disabled persons must be specially equipped and adapted.

57. Disabled persons are guaranteed State social assistance in the form of cash payments (pensions, allowances and benefits, etc.), and the provision of equipment and other facilities (including cars, wheelchairs, artificial limbs and orthopaedic equipment, etc.), and also the provision of services concerned with medical, social and occupational rehabilitation and amenities. Disabled persons are entitled to free travel on all types of urban passenger transport (except taxis), and to reduced fares for travel on internal air, rail, river and road passenger transport; they are entitled to have artificial limbs and other prostheses made and repaired at State expense, with the exception of dental prostheses made from precious metals; they enjoy concessional rates for accommodation and communal services, and are entitled to supplies of food and industrial goods at concessional rates. Disabled persons who need care and attention are provided with medical and domestic services in the home or in permanent establishments by the social security agencies.

58. The profits of enterprises, institutions and organizations devoted to the production of goods and the provision of services for disabled persons are exempt from all forms of contribution to the State budget. Concessions are also extended to enterprises specializing in the production of technical devices and other facilities for disabled persons.

59. The Act "On the general principles of State youth policy in the Republic of Belarus", adopted by the Supreme Council of the Republic of Belarus on 24 April 1992, establishes State guarantees for the carrying out of a youth policy. The Act pays special attention to enabling young people to avail themselves of their right to vocational training and work, education, medical care and the obtaining of a dwelling, use of cultural facilities, participation in physical culture and sport, participation in the running of the State, and the rendering of assistance to young families.

60. Young people who are temporarily unemployed, have finished general school, or been discharged to the reserve after completing military service, and other temporarily unemployed young persons are entitled to assistance in finding a job through the employment service. By decision of the local government councils, State enterprises and organizations establish quotas for the placement of these categories of young people in work and the provision of in-service training.

61. The Act makes provision for measures of economic, organizational and legal support for the entrepreneurial activity of young people, including tax concessions and credit provision. Young people and young families are being offered long-term loans for the construction of houses and flats, the fitting out of the home, and the purchase of consumer durables. A system of benefits to encourage the having and bringing up of children is being established.

62. Pupils and students in educational institutions and military personnel on active service are able to use cultural, educational, sporting and physical fitness facilities at concessionary rates, and are given concessions for travel by rail, air, water and road transport, and by urban public transport.

63. Under the Act provision is made in the State and local authority budgets for the financing of measures in the sphere of youth policy. These resources are used to finance, in particular, comprehensive and special-purpose national and local youth programmes. Funds for the promotion of the State youth policy are also being established to that end.

64. In accordance with the Act "On the social protection of victims of the disaster at the Chernobyl nuclear power plant", adopted by the Supreme Council of the Republic of Belarus on 22 February 1991, as amended and supplemented by the Act of 11 December 1991, appreciable benefits are provided for this category of citizens. In particular, settlers from the contaminated areas are entitled to priority in finding employment, to financial compensation for property lost in connection with their migration or to be given other property of equal value, to reimbursement of expenses connected with the move, to priority allocation of living space in State-owned and communally owned dwellings, to top priority for the purchase of houses and unoccupied flats, to top priority for the allocation of building plots for the construction of individual dwellings, to interest-free loans for the construction or purchase of individual and cooperative dwelling houses, to interest-free furnishing loans and other benefits.

Article 10

Protection of the family, motherhood and childhood

65. The system of State-guaranteed material support for families with young children is governed by the Act of the Republic of Belarus "On State family allowances and benefits" referred to in the discussion of the previous article. This Act is applicable to families permanently resident in the Republic of Belarus and bringing up children from birth until the age of 16 years, and in certain cases 18 years. State benefits and supplements to them are paid from resources deriving from State social security contributions and also from the State budget. At the same time, having regard to the fact that the expenditure of the social security system cannot be unlimited under the conditions of a sharp deterioration in the economic situation of the Republic, and also to the need to adhere to the principle of applying social security where it is needed, entitlement to allowances for children more than three years old is restricted by the limits of aggregate income to members of the family registered for the year preceding application for the allowance.

66. A reduction in living standards in connection with the raising of a family is especially noticeable for incomplete families. By virtue of that fact, a monthly supplementary allowance of 25 per cent of the established allowance is paid to single mothers and to divorced men and women, where one of the parents is evading paying maintenance, and is retained by them when they marry.

67. The material situation of the family is also strongly affected by having disabled children: apart from anything else the neediness of the family is increased by one parent leaving work. The allowance is therefore paid to families bringing up disabled children up to 16 years of age without taking the aggregate income into consideration and with a supplement of 50 per cent of the established allowance. In addition, a person who is not working but looking after such a child is paid an allowance equal to the minimum wage.

68. An allowance of one and a half times the minimum wage is paid for children who are HIV positive or suffering from AIDS, irrespective of whether they are in receipt of other allowances.

69. Allowances are paid for children whose fathers are on fixed-term military service.

70. The Act entitles local authorities, acting within the limits of their competence, to introduce more advantageous conditions for the payment of family allowances and supplements than those laid down by the Act, and to introduce additional types of allowance in response to social, demographic and other regional problems, financing the expenditure from the resources of the local budgets. Enterprises, organizations and institutions are entitled to use their consumption funds to establish additional allowances and benefits for their workers who are bringing up children, as provided for in collective negotiations and agreements.

71. In 1993 State family allowances were received by 52 per cent of the 1.6 million families with children up to the age of 18 years. The State also uses various tax concessions that depend on the number and ages of the children in the system of material assistance to families. Thus, in accordance with the Act of the Republic of Belarus "On personal income tax", parents bringing up six or more children up to the age of 18 years are exempt from tax on the whole of their income. The amount of tax is reduced for single mothers with two or more children up to the age of 18 years by 30 per cent on all income; 30 per cent is also the reduction on all income of widows and widowers who have two or more children under the age of 18 years and are not in receipt of a pension for loss of the breadwinner. The amount of tax is also reduced by 30 per cent for one of the parents bringing up a child disabled from childhood living with the parent and in need of constant care; the amount of tax is reduced by 50 per cent for both parents bringing up three or four children up to the age of 18 years, and by 70 per cent for both parents bringing up five children to the age of 18 years.

72. Organization of a system of preschool education occupies an important place among the measures for the creation of the essential social conditions for families bringing up children for a successful combination of the working activity of the parents with the child-rearing function.

73. Despite the adoption of an Order "On the preservation and development of the network of preschool children's establishments" by the Supreme Council of the Republic of Belarus in 1992, the rendering of assistance to parents over child rearing and development, and preparation of the child for school is not as satisfactory as it might be. During the years 1991-1992 alone

some 316 preschool children's establishments ceased operation. The percentage of children attending such establishments fell from 62.8 per cent in 1991 to 55 per cent at the end of 1992.

74. By Order of the Supreme Council of the Republic of Belarus dated 4 April 1993 the charge for keeping a child in a preschool children's establishment was set at from 1 to 1.4 per cent of the minimum wage from 1 January 1993 for one attendance by a child of the group concerned (nursery or kindergarten), depending on the working regime of the preschool children's establishment.

75. No payment for keeping a child in a preschool children's establishment is demanded:

(a) From parents of families in which money income per member of the family during the preceding year did not exceed the minimum wage;

(b) In sanatoriums and preschool establishments for children suffering from tuberculosis;

(c) In preschool establishments for children who are deaf and hard of hearing, blind and partly sighted, or suffering from some form of cancer;

(d) From the families of service personnel who have been killed.

76. The payment for keeping a child in preschool nursery establishments is reduced by 50 per cent for parents with three or more children.

77. Provision is made for a system of special measures concerning protection of the female reproductive function and of motherhood in the Act of the Republic of Belarus "On health care" (brought into force on 18 June 1993), the Labour Code (version of 15 December 1992), and the Act of the Republic of Belarus "On State family allowances and benefits".

78. The Act of the Republic of Belarus "On health care" guarantees medical monitoring of the state of health of women during pregnancy, genetic screening for medical purposes, and also medical care during delivery and for the newborn, which is provided in State medical establishments and other establishments specified by the Ministry of Health of the Republic of Belarus.

79. Pregnant women are transferred to lighter work that excludes their exposure to adverse effects. Such transfers are effected on the basis of a medical decision, which the administration requires. The decision specifies the date of transfer and the type of lighter work, or notes the need to lighten the work of the pregnant woman (art. 164 of the Belarusian Labour Code). Depending on the specific nature of production, pregnant women may remain in their former work, but have their working conditions eased and their output quota or their performance quota reduced.

80. At the same time, the vagueness of the formulation "lighter work" means that the allocation of work to pregnant women is sometimes formal and does not always protect the expectant mother against adverse effects of the production environment. Public health recommendations for the rational allocation of

work to pregnant women have already been produced, but there are certain difficulties over their application. In the first place, either there may not be any jobs in the enterprise with working conditions that satisfy the requirements, or there may be too few of them and, secondly, enterprises may be restricted in their scope for providing work for pregnant women.

81. There are a number of articles in the Labour Code of the Republic of Belarus that reflect the guarantees for the employment of women who are mothers and against their unjustified dismissal. Thus, article 170 states that women may not be denied a contract of employment or have their wages reduced on grounds connected with pregnancy or with their having children less than three years old and, in the case of single mothers, having a child less than 14 years old (16 years old for a disabled child). A legal appeal may be entered against refusal to grant a contract of employment.

82. An employer is not permitted to instigate cancellation of the work contract of pregnant women and women with children less than three years old, other than on liquidation of the enterprise, institution or organization, or when an entrepreneur goes out of business. In the case of single mothers having children between the ages of 3 and 14 years (16 years for disabled children) cancellation of the contract on the instigation of the employer shall be permitted on liquidation of the enterprise, institution or organization, or when an entrepreneur goes out of business, and also on the grounds covered by paragraphs 3, 4, 7 and 8 of article 33 and paragraphs 1 to 3 of article 254 of the Code.

83. Working pregnant women are entitled to maternity leave. The benefit for women taking such leave is paid at the 100 per cent rate.

84. In accordance with the Act of the Republic of Belarus "On State benefits for families bringing up young children", maternity benefit of 100 per cent of the monetary component is also paid to servicewomen released from military service in connection with pregnancy; 100 per cent of the monetary component is also paid to servicewomen and other ranks and officers of units of the Ministry of the Interior; the benefit paid to pregnant women studying full time is the amount of their grant; and that to registered unemployed women is the amount of their unemployment benefit. In no case may the benefit be less than two minimum wages.

85. Following the birth of a child a woman, whether working or not, receives a one-off benefit payment of three times the minimum wage. Should the delivery be of two or more children, the benefit is paid for each child. In addition, following the birth of twins, a free set of baby clothes is given for an amount equal to four minimum wages for each child.

86. Should the woman have registered with a women's clinic before the twelfth week of pregnancy, and have carried out all the instructions of the doctor, she receives an incentive benefit of 150 per cent of the minimum wage on the basis of a certificate issued by the clinic.

87. In accordance with article 167 of the Labour Code of the Republic of Belarus, a woman may, at her request, be granted leave to care for her child up to the age of three years and receive a State benefit during that period,

irrespective of the duration of her employment. The benefit payable is 120 per cent of the minimum wage. A benefit of the same amount is paid to non-working mothers caring for children of the age indicated. In that event the time spent by a non-working mother looking after such a child is included in her employment record for qualification for a pension.

88. On 13 November 1993 the Supreme Council of the Republic of Belarus adopted an Act "On the rights of the child". The Act defines the legal status of the child as an independent subject and is intended to ensure its physical, moral and spiritual well-being. Special care and social protection is guaranteed to children whose mental or physical development is defective, and to children who have found themselves temporarily or permanently without parental care, or have been in adverse and extreme situations (children afflicted by disasters, refugee children, juvenile delinquents, etc.).

89. The public authorities responsible for the protection of childhood should take all necessary steps to place children deprived of parental care in another family through adoption, in a foster home, or in a children's home of the family type. A monthly allotment is paid from the State budget for the upkeep of children placed in foster homes and children's homes of the family type; the amount is arrived at by multiplying the coefficient given below by the established amount of the minimum wage:

	Per child	
	Below school age	Of school age
During the first year in care	4.0	5.5
In the second and subsequent years	3.5	4.5

90. For children who are fostered but who have parents, or one parent, the State allotment is paid in accordance with the Act of the Republic of Belarus "On State family allowances and benefits".

91. Disabled children and children whose mental or physical development is defective are entitled to free specialist medical and psychological care, selection of an educational establishment by them and their parents, and placement in work in line with their capabilities. A social pension of 100 per cent of the minimum old-age pension is paid for disabled children up to 16 years old.

92. A child is entitled to be given an occupation and participate in independent working activity in accordance with the capabilities of its age, state of health and vocational training. The conclusion of a work contract with persons less than 16 years old is not permitted. With the written agreement of one of the parents (foster parent, guardian) a work contract may be concluded with a person who has reached an age of 14 years (art. 173 of the Labour Code). Juveniles have equal rights with adults under labour law, but in the sphere of protection of labour, working time, holidays and some other working conditions they enjoy privileges as laid down by the Labour Code of the Republic of Belarus (art. 174 of the Labour Code).

93. It is prohibited to compel a child to perform any work (including a family or rental contract and entrepreneurial activity) that is injurious to the child's health or constitutes an obstacle to the acquisition of a basic education. It is prohibited to enlist workers less than 18 years old for night work and overtime, and for work on rest days, or to employ such persons on heavy work and work involving harmful and dangerous conditions underground and in quarrying (arts. 175 and 177 of the Labour Code).

94. No person less than 18 years old may be engaged to work without first having passed a medical examination, and thereafter shall be subject to an annual compulsory medical examination until the age of 18 (art. 176 of the Labour Code).

95. A shorter working week is specified for workers less than 18 years old: no more than 36 hours a week between the age of 16 and 18 years; no more than 24 hours a week between the age of 14 and 16 years (art. 43 of the Labour Code).

96. The wage paid to workers less than 18 years old working a shortened working day is the same as that paid to workers of the corresponding categories working a full working day (art. 181 of the Labour Code).

97. Proper compliance with the labour legislation is monitored by the authorities responsible for labour, trade union bodies, the offices of the procurator and the courts, ministries, departments, and commissions for juveniles.

98. The Criminal Code and the Code on Administrative Offences of the Republic of Belarus specify measures of the liability of officials for breaches of the labour legislation. They are punishable by corrective labour, dismissal and the imposition of a fine.

99. There were 16,300 juvenile workers in the Republic in 1992.

Article 11

The right to an adequate standard of living

100. During the period under consideration the situation deteriorated in the Republic of Belarus in the sphere of ensuring the right to an adequate standard of living. The transition from a centrally planned economy to a market economy is being accompanied by structural changes in the economy, conversions in the defence industry, the breaking of former economic ties, and the freeing of prices while many State enterprises and groupings largely retain a monopoly position in the market. The private sector has not yet reached a significant position either in volume of output or in numbers employed, and is on the whole incapable at present of competing successfully with State enterprises. In the upshot, the decline in production that began in 1991 is continuing. In 1993, for example, national income fell by 10 per cent relative to 1992.

101. The living standard of the population continues to decline. Retail prices rose overall by a factor of 16.8 times during 1993, with prices for foodstuffs increasing 27-fold, while the average monthly wage rose by only 11.4 times. The pattern of public consumption is shifting towards an increase in the share of foodstuffs. In 1993, expenditure on food was 45 per cent, on other commodities 41 per cent, and on services 10 per cent, by comparison with 39, 48 and 8 per cent in 1992.

102. During the period under consideration the leadership of the Republic of Belarus took steps for the social protection of the population, as detailed in the information given in article 9 of the Covenant. These measures went some way towards alleviating the adverse consequences of the economic crisis in this transition period for the most vulnerable strata of the population. On the whole, however, the situation remains acute, which is also the case for the supply of foodstuffs.

103. According to official statistics, per capita consumption of the most important foodstuffs decreased in 1993, as is evident from the following table (figures are in kilogrammes):

	December 1992	January 1993	December 1993
Meat and poultry	2.04	1.80	1.49
Sausage and smoked meats	1.62	1.52	1.18
Tinned meat (standard tins)	0.31	0.53	0.33
Fish	0.34	0.20	1.14
Animal fats	0.60	0.52	0.53
Whole milk products	11.00	10.32	10.40
Vegetable oil	0.12	0.11	0.12
Margarine	0.18	0.16	0.10
Cheese	0.30	0.16	0.23
Eggs (number of)	11	11	9
Sugar	1.82	1.78	1.92
Confectionery	1.26	0.93	1.01

104. The increase in retail prices in 1993 was sharpest for such foodstuffs as fish and fish products - 58 times; vegetable oil - 40 times; meat and meat products - 37 times; cheeses - 34 times. The population began to eat less well, although there is no famine in the country. However, it was the feeding pattern that became worse; consumption of protein products has declined and, as a result, physical and mental health are deteriorating.

105. As a consequence of the decline in living standards, the death rate exceeded the birth rate in 1993 for the first time in the Republic of Belarus

during the post-war years: the birth rate was 11.4 per thousand of the population as against 12.4 in 1992, and the death rate was 12.4 as against 11.3.

106. The situation regarding housing provision did not worsen over the period under consideration. Dwellings with a total area of 4 million square metres were brought into use in 1993, which is 76 per cent of the 1990 level, 74 per cent of the 1991 level and 91 per cent of the 1992 level. In accordance with the Act "On privatization of housing", the process of privatizing the State housing stock was begun in 1992. In 1993 some 196,600 flats, or 12 per cent of the total number, were privatized.

107. Nevertheless, measures have been carried out to protect the interests of consumers even under the conditions of an ongoing economic crisis and a decline in the standard of living of the population. On 19 November 1993 the Supreme Council adopted an Act "On the protection of the rights of consumers", which gives legal expression to the right of consumers to State protection of their interests, to goods that are of reliable quality and safe, to complete and accurate information about them, to full compensation for losses caused by goods of unreliable quality, to recourse to a court and other competent State bodies for the protection of infringed rights or interests, and to the establishment of public consumer associations.

108. The problems referred to above arise largely from the difficulties and complexities of the transitional period from a centrally planned economy and a totalitarian regime to a market economy and a democratic social system.

Article 12

The right to physical and mental health

109. Maternal and child health, the pattern of changes in medical and demographic statistics, above all those for juvenile and maternal mortality, and the level of morbidity reflect the social and economic development of the country, in addition to being pointers to the activity of the health authorities and health-care establishments.

110. During the last three years the Supreme Council of the Republic of Belarus has adopted a number of Acts, decrees and other enforceable enactments governing protection of the health of pregnant women and children, viz.: Act of the Republic of Belarus "On health care"; Act of the Republic of Belarus "On State aid for families bringing up children"; Act of the Republic of Belarus "On social protection for citizens who have suffered as a consequence of the disaster at the Chernobyl nuclear power plant"; Act of the Republic of Belarus "On the rights of the child"; Act of the Republic of Belarus "On sanitary and epidemiological well-being"; Republican programme for the production of foods for children up to three years old; national prevention programme against the genetic consequences of the disaster at the Chernobyl nuclear power plant; comprehensive interdepartmental programme for 1991-1995 on "Maternal and child health under the conditions of the effect of the consequences of the disaster at the Chernobyl nuclear power plant"; comprehensive Republican programme on the problems of the disabled.

111. The legislation adopted is helping to raise the level of social and medical protection for mothers and children. All pregnant women now have maternity leave from the thirtieth week of pregnancy for 126 days irrespective of the actual date of the delivery. The postnatal leave is extended for 14 days in cases of complications in the birth and the birth of two (three or more) children. Women inhabiting the territory contaminated by radionuclides in which contamination levels are 1 Ci/km^2 or more are granted once-only maternity leave from the twenty-seventh week of pregnancy for 140 and 160 days respectively.

112. Women who have given birth to a live child are paid a benefit of three minimum wages. When two or more children are born the benefit is paid for each child. All women are granted paid leave at a rate of 120 per cent of the minimum wage to care for their child up to the age of three years.

113. All children up to three years of age, and up to 15 years for those living in the territory contaminated by radionuclides are given free medication at out-patient clinics. Medication is also provided free of charge for disabled children and those suffering from serious illnesses. Children up to two years of age in large families and low-income families receive free food.

114. The term of a medical certificate for the treatment of a sick child in hospital has been increased to 14 days; a medical certificate is also issued for the care of a child up to three years old and for a disabled child in the eventuality of the mother's illness, for the whole period of the sanatorium treatment for the disabled child. The list of medical indications for the granting of a social pension to a disabled child up to the age of 16 years has been extended. Staffing levels for maternity homes and children's hospitals have been changed.

115. In accordance with the Act of the Republic of Belarus "On health care" all types of medical care for children and pregnant women are provided free of charge. Maternal and child health care is provided in the Republic by more than 380 children's polyclinics, 307 women's clinics, 17 children's hospitals, maternity homes with 7,630 beds and gynaecological departments with 5,940 beds. Health-care establishments have provided 16,120 beds for children, which is 68.7 beds per 10,000 of the child population. The demand of the child population for beds for infectious diseases, for the newborn, and for young children (from birth to 4 years) with respiratory and broncho-pulmonary conditions has been fully met. Beds for children are 13 per cent of the beds in health-care establishments.

116. Primary health care for children is provided in out-patient polyclinics (in paediatric clinics and surgeries for the urban population, at feldsher and midwifery stations, and in surgical out-patient departments and paediatric polyclinics (surgeries) of central district hospitals for the rural population).

117. In-patient care is provided in the paediatric wards of central district hospitals, urban (regional) paediatric hospitals, paediatric wards of general hospitals for adults and research institute clinics. A network of specialist

departments and centres exists to provide specialist medical care (by discipline: paediatric cardiology, pulmonology, neurology, neurosurgery, oncology, oncological haematology, gastro-enterology, allergology, etc.).

118. Sanatorium care is provided in the paediatric sanatoriums of all health authorities, which have 4,709 beds. The main specialities of paediatric sanatoriums are pulmonology, gastroenterology, cardiology, diseases of the peripheral nervous system and neurology.

119. The juvenile population numbers 2,345,161, which is 22.8 per cent of the total population.

120. Medical care for children is provided by 5,288 paediatricians and more than 12,000 middle-level medical workers. Paediatricians are 12.4 per cent of the total number of doctors; there are 18.3 paediatricians for every 10,000 of the juvenile population.

121. Some changes in medical demography have taken place in the Republic during the last decade. The birth rate, which continues to decline, was 11.4 per 1,000 of the population in 1993, 35 per cent lower than in 1983. Mortality from all causes in 1993 was 12.4 per 1,000 of the population, and in 1993 negative population growth (-1) was recorded.

122. Infant mortality in 1993 was 12.5 per thousand (the number of children dying in the first year of life per thousand live births). The largest element in the structure of infant mortality is perinatal infections at 3.9 per thousand (31.7 per cent), with congenital developmental defects in second place at 3.7 per thousand (30 per cent), and influenza, acute respiratory diseases and pneumonia in third place at 1.8 per thousand (14.6 per cent). Neonatal mortality accounts for 63.7 per cent of infant mortality. The mortality rate of children between 1 and 14 years old inclusive is 0.5 per thousand children of that age range. The main causes of death among children more than one year old are accidents (50.4 per cent), malignancies (14.8 per cent) and congenital developmental defects (10.3 per cent). The stillbirth rate is 5.9 per thousand (6.5 per thousand in 1991).

123. In 1994 the Republic switched to the criteria of live births and stillbirths recommended by the World Health Organization.

124. The figure for hospital abortions is 38.3 per thousand women of child-bearing age.

125. On 1 January 1994 there were 17,221 children up to 16 years of age registered as disabled, which is 0.7 per cent of the juvenile population.

126. The immunization rate of children of the statutory ages against controllable communicable diseases is 97.5 per cent for measles, 89.9 per cent for diphtheria, 86.5 per cent for whooping cough, 90.3 per cent for poliomyelitis, and 94.5 per cent for tuberculosis.

Article 13

The right to education

The principle of free general education

127. The basic rights of inhabitants of the Republic of Belarus in the educational sphere are guaranteed by the Act of the Republic of Belarus "On education in the Republic of Belarus", the Act of the Republic of Belarus "On the rights of the child", and other legislation of the Republic of Belarus. The right of the inhabitants of Belarus to education is also specified in the Belarusian Constitution.

128. The development of education to the year 2000 has been outlined in the "Concept of the development of education and training in the Republic of Belarus in the period to the year 2000" and fleshed out in the "Comprehensive State programme for the development of education and training in Belarus in the period to the year 2000". Both documents have been approved by the Government of the Republic of Belarus.

129. The Education Act proclaims the prime importance of such principles in the educational sphere as priority for universal values, humanism, an environmental approach, encouragement of talent and learning, and the democratic spirit. Also proclaimed is the principle of compulsory basic (nine-year) education. The effect given to the principles enumerated and others in State policy in the educational sphere is a guarantee of full respect for the most important rights of the individual in this sphere.

130. The Act proclaims that all inhabitants of the Republic of Belarus, including foreign nationals and stateless persons permanently resident in the territory of the Republic, are entitled to equal opportunity of access to the national educational system. This right is ensured by the creation of the conditions for the provision of an education that has regard to national traditions and to individual needs and capabilities; by the establishment of State and other educational establishments providing the various kinds and forms of education; by free tuition in State basic schools within the limits of the specified tuition period, and also in other State educational establishments for those who pass a competitive examination and successfully satisfy the conditions for educational level, or for those accorded privileges for which provision is made in the legislation of the Republic of Belarus.

131. The State guarantees all children living in the Republic of Belarus free nine-year education, and primary education is also free. Almost all children of the age concerned are covered by primary education.

132. For the purpose of providing conditions for the best possible development of gifted and talented children they may be taught in specialized educational establishments (grammar schools or lycées). The procedure for setting up such educational establishments is governed by regulations approved by the Ministry of Education of the Republic of Belarus.

133. Disabled children and children with deficiencies of mental or physical development may receive primary education in specialized educational establishments. From among the factors that are adversely affecting the development and operation of the system of primary education mention should be made, first and foremost, of the lack of financial and material resources resulting from the economic crisis being experienced by the Republic. In consequence, the republican and local authorities are finding difficulty in maintaining and developing the network of schools providing general education. In rural schools several classes sometimes have to work in the same room (the first and second classes, for example). Provision of normal working conditions for primary classes in the countryside, so that primary classes cease to be taught in shared classrooms, is one of the tasks for the immediate future under the comprehensive State programme for the development of education and training.

134. Educational establishments not in State ownership, some of which also provide secondary education, have begun to appear in the Republic in recent years. In the vast majority such educational establishments differ from State schools in being fee-paying schools.

135. As already noted above, the State guarantees basic (nine-year) education to all inhabitants of Belarus. A ramified network of educational establishments providing basic education has been established for implementation of that right in urban and rural localities. The curricula and teaching programmes take into account the diversity of interests of the pupils and their differing capabilities. Individual programmes, out-of-class activities and optional subjects are introduced to meet the individual needs of pupils and develop their capabilities. Specialized educational establishments (classes in which some subjects are taught in greater depth, grammar schools and lycées) are being established for the same purposes.

136. In accordance with the Act of the Republic of Belarus "On education in the Republic of Belarus" orphans receive secondary education in general secondary educational establishments associated with children's homes, including homes of the family type, and in fully State-funded boarding schools.

137. The right of disabled children and children with deficiencies of mental or physical development to secondary education is guaranteed by the forming of special classes in general schools and specialized educational establishments. Special methods are being developed to enable such children to master the secondary school programme more successfully. Basic education ends with the ninth class.

138. The State guarantees that general secondary education and vocational training shall be available to everyone free of charge. The comprehensive State programme for the development of education and training in Belarus in the period to the year 2000 makes provision for a wide range of measures for the further development of the system of secondary education, including both further development of the network of educational establishments providing general secondary education and qualitative changes in teaching programmes and methods aimed at ensuring further differentiation and fuller realization of the capabilities and preferences of pupils.

139. Young people may obtain vocational training through study in the vocational training, specialized secondary and higher education systems. The aim of vocational training is the training of skilled workers, and the imparting of working and vocational skills along with general education. Vocational training may be provided on the basis of general secondary or basic nine-year education with simultaneous general secondary education or exclusively the acquisition of a trade qualification. Admission of young people to vocational training establishments is on a competitive basis.

140. The purpose of specialized secondary education is training of middle management: the direct organizers and managers of the primary links in the chain of production, and of assistants - more highly qualified specialists who independently carry out skilled work requiring appropriate theoretical training in addition to vocational knowledge.

141. The purpose of higher education is the training of specialists for the productive and social spheres, who must have a deep knowledge of general scientific and special disciplines, combined with education in the humanities and in the social, political and economic fields, and the requisite practical skills in the chosen area of activity.

142. Admission of school-leavers to specialized secondary and higher educational establishments is on a competitive basis from examination results. In order to open up access to education for young people who have not gained the necessary grades but who have provided evidence in the examinations of an adequately high educational level, specialized secondary and higher educational establishments have been permitted to establish groups of fee-paying students, paid for from the resources of individuals or sponsoring organizations. In addition, a whole range of variously owned specialized secondary and higher educational establishments that train specialists also on a fee-paying basis have been set up in the Republic in recent years and are in operation.

143. The comprehensive State programme for the development of education and training in Belarus in the period to the year 2000 envisages a number of measures for the development of specialized secondary and higher education in the Republic. There is provision, in particular, for a switch to multi-level higher education bachelor's and master's degrees. The programme also envisages special measures to ensure wider access to vocational training for disabled children and children with deficiencies of mental and physical development. To that end special groups are being established in vocational training establishments at various levels.

144. The main difficulties in the way of the development of vocational training in the Republic are connected with the ongoing social and economic crisis, which has led to an appreciable reduction in the demand for specialists at various levels, and to a considerable increase in the amount of finance needed to maintain the normal functioning and development of the vocational training system. The crisis has also led to a reduction in financial and material and technical assistance to vocational training establishments from industrial and other enterprises that previously gave them considerable assistance.

145. Students in State vocational training establishments admitted to them on a competitive basis receive a State grant provided that they progress satisfactorily in their studies. Grants for students in vocational training establishments are currently 70 per cent of the minimum wage, 75 per cent for students in specialized secondary training establishments and 85 per cent for those in higher educational establishments. In addition to grants, students in State vocational training establishments enjoy a number of privileges and concessions concerning their board, travel by public transport, residence in student hostels, etc. The aim of all these privileges is to ensure the right of all young people to the maximum development of their capabilities and preferences, and the creation of conditions of equality for all young people in obtaining education at any level without it being dependent on how well off their families may be.

146. The level of remuneration for teachers in the various types of educational establishment is defined by the Act of the Republic of Belarus "On education in the Republic of Belarus", article 34 of which ties in the salary levels of workers in education to the average earnings of white-collar industrial employees. The application of this article in the Act "On education in the Republic of Belarus" will ensure educational workers an adequate level of well-being for their full physical and spiritual development.

147. The Act of the Republic of Belarus "On education in the Republic of Belarus" proclaimed compulsory basic (nine-year) education as one of the principles of the Republic's education system. The State guarantees the availability of free general secondary education and vocational training. School-leavers from general schools, lycées and grammar schools, and vocational training schools providing general secondary education, and from specialized secondary educational establishments may enter higher educational establishments on a competitive basis. Those who have passed a competitive examination and successfully satisfy the conditions for educational level are guaranteed free tuition in State educational establishments of these types. A wide network of educational establishments providing general education and vocational training has been established in the Republic to give expression to that right. A network of evening and correspondence establishments providing general education and vocational training (schools, evening schools and correspondence faculties (departments) of vocational training establishments, specialized secondary and higher educational establishments) in which citizens may obtain general education and vocational training without having to stop work has been created to give the working population greater access to the various types of general education and vocational training. There is also the possibility of obtaining general secondary and higher education as an external student.

148. The main difficulties relating to ensuring the right of inhabitants of the Republic to education are connected with the lack of financial, material and technical resources. There are also difficulties connected with the breaking of ties with republics of the former Soviet Union and the consequences of the many years during which Belarus was cut off from other developed countries.

149. Considering that the Act "On education in the Republic of Belarus", which provides for compulsory basic (nine-year) education is in force in the Republic, there are hardly any illiterates in the Republic. The following figures are students graduating from vocational training establishments (thousands of students)

Type of establishment	1950	1970	1990	1993
Vocational	9.8	57.7	74.3	58.4
Specialized secondary	8.7	36.0	42.2	37.6
Higher	4.5	20.6	28.6	35.7

150. The appropriation for education was 13.56 per cent of the Republic's budget for 1993. The allocation for expenditure on education in the draft budget for 1994 was 12.6 per cent.

151. In 1993 the Republic had 4,938 general schools, of which 920 (18.6 per cent) were primary schools, 1,224 (24.8 per cent) provided basic education and 2,794 (56.6 per cent) provided general secondary education.

152. The total number of schools in the education system is tending to decline owing to closure or to conversion into primary, secondary and incomplete (short-course) secondary schools. The number of secondary schools is continuously on the increase, partly through the building of new schools. Since 1980 the total number of secondary schools has increased from 2,378 to 2,794, during which period the number of primary schools fell from 6,589 to 4,938. Most pupils currently studying are being educated in secondary schools (93.0 per cent).

153. The average number of pupils in a school varies as between town and country. Thus, the average urban school has 942 pupils and the average rural school has 107. Average class size is 24.5 in urban schools, 12.5 in rural schools. Currently 71.4 per cent of all general school pupils are in schools working one shift, while the rest are in schools working two shifts.

154. The network of grammar schools and lycées, which provide a higher level of education than traditional schools, is being actively developed (the Republic currently has 14 lycées and 44 grammar schools). The lycées and grammar schools usually have close links with higher educational establishments, and they make possible the organized selection and education of gifted and talented children at a qualitatively new level.

155. Open competitions by subject, which are organized at levels ranging from the educational establishment to a Republic-wide contest, play an important role in work with gifted and talented children. The winners of Republic-wide competitions regularly take part in international competitions on various subjects.

156. General education is combined in school with education for work. Pupils at the upper general level are given pre-vocational training in schools and in inter-school learning and production combinations, in which they can acquire a trade and where they may, should they so desire, work immediately after leaving school.

157. Applicants for vocational training, and specialized secondary and higher education are admitted to the corresponding State educational establishments on a competitive basis. No restrictions on grounds of sex are specified. There are restrictions relating to occupations and specialities that might adversely affect the health of women, especially that might affect a woman's ability to have healthy children. In accordance with the Act of the Republic of Belarus "On education in the Republic of Belarus", orphans are educated in secondary educational establishments attached to children's homes, including homes of the family type, and in fully State-funded boarding schools.

158. Orphans, abandoned children, children from families in poor circumstances, children living in zones subject to sanitary and medical monitoring, disabled children and children with deficiencies of mental and physical development have additional privileges and concessions as provided in the legislation of the Republic of Belarus.

159. Disabled children, orphans and abandoned children have concessions for admission to educational establishments at various levels. In particular, if they successfully pass their examinations they are admitted to specialized secondary and higher educational establishments without competition. The same concessions in admission to specialized secondary educational establishments are also accorded to young people permanently resident in the countryside who are admitted on the basis of plans for targeted training in subjects required for the social and economic development of the countryside. Disabled children and orphans are admitted to vocational training schools without competition and without examination.

160. In 1993 the Belorusian pedagogical institute set up a preparatory group (for university admission) for disabled persons with skeleto-motor disorders, and partial or total loss of sight or hearing, and also identified the disciplines and the corresponding vocational and specialized secondary educational establishments in which conditions conducive to the vocational training of disabled persons are to be established.

161. Students at higher and specialized secondary educational establishments and pupils in vocational training schools who are orphans and abandoned children receive a higher grant than others. Students at higher and specialized secondary educational establishments who are disabled by virtue of impaired sight or hearing are paid an increment of 50 per cent on the established grant.

162. Students in higher educational establishments are taught in Belorusian or Russian, or in the two languages together. So far the majority of students, especially technical college students, are taught in Russian, but the trend is steadily towards the spread of the Belorusian language in higher education. The State is encouraging the switchover to teaching in the Belorusian language, but is not forcing the pace. The process is being held back by lack

of textbooks, the unpreparedness of teachers to teach in Belorusian, and sometimes the unwillingness of students, especially in technical disciplines, to study in Belorusian.

163. In accordance with the Act of the Belorusian Republic "On education in the Republic of Belarus", workers in education are entitled to a guaranteed level of remuneration, with regular adjustments in line with changes in the price index and to differentiated payments depending on qualification and results achieved. In accordance with the Act "On education in the Republic of Belarus", the average wage rate of workers in education must not be less than the average wage rate of industrial white-collar workers, while the minimum for the lecturing staff of higher educational establishments must be at least one-and-a-half times that level. Full implementation of that article was, however, held back until recently by lack of resources and the pay of workers in education relative to that of white-collar workers in industry has been regulated by special decree of the Supreme Council of the Belorusian Republic.

164. In addition to pay, the Act "On education in the Belorusian Republic" also guarantees workers in education longer holidays, and privileges over the allocation of housing, more healthy conditions and pension provision. Workers in education in the countryside receive free living space, heating and lighting.

165. In the educational sphere there are at the present time 3 private general schools and 7 independent higher educational establishments with 6,186 students. Private individuals and organizations must obtain a licence from the Ministry of Education to set up an educational establishment; the Ministry is concerned to extend educational opportunity for citizens. The State does not place any obstacles in the way of those who wish to study in independent educational establishments.

166. Fruitful links are currently being developed with international organizations (UNESCO, the European Union, etc.), with some countries (Germany, United States, etc.) and with international foundations, which are rendering some assistance in the carrying out of a number of educational programmes, in teacher training and the education of students and pupils.

Article 15

The right to take part in cultural life, enjoy the benefits of scientific progress and benefit from the protection of authors

167. During the period 1991-1993 a number of pieces of legislation were adopted in the Republic of Belarus aimed at ensuring the right to take part in cultural life, enjoy the benefits of scientific progress and benefit from the protection of authors.

168. The Act "On culture in the Republic of Belarus", adopted by the Supreme Council of the Republic of Belarus on 4 June 1991, pursues the following aims:

(a) Giving effect to the sovereign rights of the Republic of Belarus in the cultural sphere;

(b) Creation of the legal conditions for the free self-development of cultural processes;

(c) Provision of the material and financial guarantees for the development of culture and the social protection of cultural workers under market conditions.

169. The Act to which reference is made defines such fundamental principles of cultural life as:

(a) Artistic freedom and the self-development of cultural processes, pluralism of creative trends and styles, and rejection of a monopolistic approach in culture;

(b) Protection of intellectual property;

(c) General availability of spiritual values;

(d) Guaranteed rights to unhindered cultural and creative activity in the territory of the Republic of Belarus for all national communities;

(e) Priority attention to conditions for the development of Belorusian national culture;

(f) Provision of links between Belorusian national culture and the cultures of other peoples.

170. As regards the rights of linguistic and ethnic minorities, article 10 of the above-mentioned Act contains the provision that members of any national and ethnic group inhabiting the territory of the Republic of Belarus shall be guaranteed the right to develop their culture and language, to establish a national school, and cultural enterprises and establishments (theatres, museums, publishing houses etc.). [The full text of the above-mentioned Act is appended and is available for consultation in the files of the Secretariat.]

171. On 13 November 1992 the Supreme Council of the Republic of Belarus adopted an Act "On preservation of the historical and cultural heritage", which governs relations with the aim of the preservation, proper upkeep and appropriate rational use, regeneration and expansion of the historical and cultural heritage.

172. Protection of the rights of authors of works of art in the Republic of Belarus is ensured in accordance with the provisions of the special section IV "Rights of authors and inventors" of the Civil Code of the Republic of Belarus, which is the basic legislation defining the content and scope of the rights of authors, and the protection of those rights. The rates of remuneration for authors specified by the Code are defined by governmental ordinances, and in some instances by a contract between the author and the user of the work. In commercial structures not in State ownership the author's remuneration is usually determined by contract with the author of the work being used.

173. In the main, however, the material interests of authors are ensured by ordinances of the Government of the Republic of Belarus:

(a) No. 37, dated 17 April 1989, "On the rates of remuneration of authors for the public use of works of literature and art";

(b) No. 868, dated 27 December 1993, "On the rates and payment arrangements for remuneration of authors and others for publication of works of science, literature and art, and artistic graphic and photographic works for the press and materials transmitted and broadcast by television and radio";

(c) No. 286, dated 28 April 1994, "On rates for remuneration of authors for the fulfilment of commissions to create works of literature and art for public performance or right of first performance for unpublished works".

174. Preferential rates of taxation apply in the Republic of Belarus on remuneration both for authors and for their descendants.

175. In addition to the national legislation, international agreements on the protection of the rights of authors are applied in the Republic. On 7 June 1993 the Government of the Republic of Belarus announced its succession to the obligations of the former USSR under the International Convention on the Rights of Authors in the 1952 draft, with effect from 27 May 1978, thus declaring that the rights of national and foreign authors would be safeguarded in the Republic in accordance with the requirements of the Convention. On 17 November 1993 the Government of the Republic of Belarus became the successor in title to the reciprocal agreement on protection of the rights of authors between the former USSR and the Kingdom of Sweden. On 24 August 1993 the Republic of Belarus signed an agreement with the States of the Commonwealth of Independent States (CIS) on cooperation in the sphere of the protection of the rights of authors and related rights.

176. An important role in the system for the protection of the rights of authors is played by the Board for the Rights of Authors and Related Rights, a body of the Council of Ministers of the Republic of Belarus, which is responsible for ensuring compliance with the rights of authors and related rights of national and foreign authors within and outside the Republic, for monitoring compliance with the legislation and international agreements of the Republic of Belarus on protection of the rights of authors and related rights, for the drafting of proposals for improvement of the legislation on protection of the rights of authors, and for promoting the exchange of the cultural values of the Republic with other countries.

177. In the years 1993-1994 a draft Act "On the rights of authors and related rights", providing protection for those rights at the level of the requirements set out in the Berne Convention, was prepared and submitted for the consideration of the Supreme Council of the Republic of Belarus. The International Bureau of the World Intellectual Property Organization (WIPO) gave great assistance in the preparation of the draft Act. WIPO also made an expert assessment of the draft Act. The adoption of such an Act will enable the Republic of Belarus to achieve the international level of protection for the rights of authors and related rights.

The right to enjoy the benefits of scientific progress and its applications

178. The States parties to the International Bill of Human Rights recognize the right: to enjoy the benefits of scientific progress and its applications (art. 15 of the Covenant); this right is also embodied in the Final Act of the Meeting on Security and Cooperation in Europe - the "Environment" section. They also recognize that the right to utilize the results of scientific progress in the interests of mankind is among the most universal of human rights.

179. There are two main sets of legal rules for the regulation of scientific and technical progress in the interest of the individual embodied in the Constitution of the Republic of Belarus:

(a) Rules aimed at improving and humanizing the conditions of labour in accordance with the possibilities emerging from scientific and technical progress (having regard to its adverse effects);

(b) Rules aimed at protecting the environment from the adverse consequences of scientific and technical progress in the interests of mankind and on the basis of the achievements of science and technology.

180. The International Bill of Human Rights has been translated by the Republic of Belarus into national laws, and the amending, as appropriate, of pre-existing legislation. Thus, in accordance with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, article 45 of the Constitution of the Republic of Belarus proclaims:

> "Citizens of the Republic shall be guaranteed freedom of scientific, technical and artistic creativity. This shall be ensured by the development of scientific research, invention and rationalization, and by the development of literature and art. The State shall create the material conditions required to that end, support voluntary societies and creative associations, and arrange the introduction of inventions and rationalization proposals".

181. The rights of authors, inventors and "rationalizers" are protected by the State. A patent of the Republic of Belarus is a new document conferring protection (art. 3 "Legal protection for invention"). The Act of the Republic of Belarus "On patents for inventions" confers on individuals or corporate bodies to which a patent is granted the exclusive right to its exploitation and is a form of property. The rights of authors to industrial designs are embodied in articles 2 and 3 of the "Act on patents for industrial designs".

182. The patent system is a means of scientific and technical advance. The national patent system established in the Republic of Belarus is based on three Acts concerning the protection of international property "On patents for inventions", "On patents for industrial designs" and "On trade marks and registered service marks".

183. Relations in the sphere of the protection and use of industrial property are governed by many international agreements, in addition to the national patent laws: Paris Convention for the Protection of Industrial Property of 20 March 1983; Madrid Agreement concerning the International Registration of Marks of 14 April 1991; Agreement of the Hague concerning the International Deposit of Industrial Designs of 6 November 1925; Agreement of Nice concerning the International Classification of Goods and Services to which Trade Marks are applied of 15 June 1957; Agreement of Lisbon on the Protection of Names of Places of Origin and their International Registration of 31 October 1958; International Convention on the Protection of New Varieties of Plants of 2 December 1961.

184. In April 1993 the Republic of Belarus became a Party to the following international agreements: Paris Convention for the Protection of Industrial Property; RST Agreement on Cooperation over Patents; Madrid Agreement Concerning the International Registration of Marks.

185. The material interests of the authors of inventions and rationalizations are protected by the Civil Code of the Republic of Belarus.

186. Because the Acts of the Republic of Belarus "On patents for inventions" and "On patents for industrial designs" do not contain specific provisions governing payments of remuneration, the procedure for providing material incentives to authors of patents was defined in ordinance No. 708 of the Council of Ministers of the Republic of Belarus dated 18 October 1993 "On procedure for payment of the remuneration of authors of patents and industrial designs".

187. The property rights of the authors of inventions and industrial designs are governed by ordinance No. 473 of the Council of Ministers of the Republic of Belarus "On registration of licensing agreements and agreements assigning rights to a patent (certificate)".

188. In accordance with article 2 of the Founding Convention of WIPO, intellectual property includes rights relating to objects of scientific and technical activity. The Act of the Republic of Belarus "On Scientific and Technical Policy" (art. 10) guarantees legal protection for the subjects of scientific and technical activity to the individuals and corporate bodies which carry out such activity. The property rights of those working on research and development are guaranteed by articles 18 and 21 of this Act.

189. The right to freedom of scientific and technical research is guaranteed by article 6 of the Act of the Republic of Belarus "On scientific and technical activity".